



Questions & Answers

Water Resources Enforcement

Your legal authorization to use a certain amount of public water for specific beneficial purposes is called a water right. Washington's water is a public resource. Use of water without an authorized right may result in enforcement action taken by the Department of Ecology.

Q. *Does the Department of Ecology enforce against unauthorized use of water?*

A. Yes. Ecology encourages compliance through informal or formal enforcement actions:

- Informal enforcement action is taken to educate the public and encourage voluntary compliance. An example of an informal enforcement action is a warning letter which will outline the steps you must take to come into compliance and will state the consequences of your continued unauthorized use of water.
- Formal enforcement action is taken when voluntary compliance is not achieved through informal means, or in the case of a more serious violation. Ecology's Water Resources Program has statutory authority to issue administrative orders and assess civil penalties for unauthorized use of water.

Ecology can also seek court injunctions or criminal prosecution to achieve compliance with Washington's water rights rules and regulations.

Q. *What is an administrative order?*

A. Administrative orders direct violators to take certain actions within a specified time frame. An example of a directive contained in an order may be to "immediately cease and desist unauthorized use of water." Failure to comply with the directives of an administrative order may result in civil penalties.

Q. *What are the maximum civil penalties for unauthorized use of water?*

A. The maximum penalty for violation of a water resource rule, regulation, or order is \$100 per day for each separate violation.

Q. *What are the criminal penalties for unauthorized use of water?*

A. Willful and deliberate unauthorized use of water is a misdemeanor and is punishable by 90 days in jail and a maximum fine of \$1,000.

Q. *Can Ecology's enforcement actions be appealed?*

A. Yes. Administrative orders and penalty notices issued by Ecology are appealable to the Washington Pollution Control Hearing Board. Information concerning the appeal process can be found in the order or penalty document.

Q. *How do I get more information?*

A. For more information about water rights in Washington or the enforcement process, please contact the Department of Ecology regional office nearest you. Detailed informational materials on water rights are available.

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